

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE CHARTER OAK FIRE INSURANCE COMPANY,

19-CV-4212

Plaintiff,

-against-

ZURICH AMERICAN INSURANCE COMPANY and  
SLADE INDUSTRIES, INC.,

Defendants.

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**FINAL JUDGMENT PURSUANT TO FRCP 58**

1. The Charter Oak Fire Insurance Company (“Charter Oak”) filed this lawsuit on May 10, 2019 (Dkt. No. 2) seeking a declaratory judgment as to Zurich American Insurance Company’s (“Zurich”) defense and indemnification obligations.

2. On January 6, 2020, Charter Oak moved for summary judgment as to Zurich’s duty to defend Charter Oak insured in an underlying personal injury action and to reimburse Charter Oak for past defense costs and attorney’s fees (Dkt. No. 26) and on February 6, 2020, Zurich filed its opposition. (Dkt. No. 30).

IT HEREBY IS ORDERED, that Charter Oak’s Motion for Summary Judgment (Dkt. No. 26) is GRANTED and Zurich’s Memorandum of Law in Opposition (Dkt. No. 30) is OVERRULED.

FURTHER, Zurich will reimburse Charter Oak for defenses fees and costs incurred from the time of initial tender to Zurich and will pay all defense fees and costs going forward.

FURTHER, the issue of Zurich’s indemnification obligation is not presently ripe for adjudication and therefore the Court DISMISSES the remaining claims as to indemnification WITHOUT prejudice to be raised at the appropriate time.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: New York, New York  
May 5, 2020

A handwritten signature in black ink, appearing to read 'L. Liman', written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge